

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and indicating that claims 10-13 are allowed.

#### **Disposition of Claims**

Claims 10-17 are pending in this application. Claims 10, 14, and 16 are independent. The remaining claims depend, directly or indirectly, from claims 10, 14, and 16.

#### **Objection(s)**

Claims 10, 11, and 16 were objected to as containing various informalities. The claims have been amended in accordance with the suggestions made by the Examiner. No new matter has been added. The Applicant thanks the Examiner for carefully reviewing the claims.

#### **Rejection(s) under 35 U.S.C § 102**

Claim 14 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,397,958 ("Charles"). The Applicant respectfully notes that the present application claims the benefit of U.S. Patent No. 6,386,302, which was filed on September 9, 1999. Charles has a §102(e) date of September 9, 1999. Because Charles shares the same date as the date to which benefit is claimed, Charles does not constitute prior art under 35 U.S.C. §102(e). Withdrawal of this rejection is respectfully requested.

**Rejection(s) under 35 U.S.C § 103**

Claims 15-17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Charles in view of either U.S. Patent No. 6,269,893 or 5,678,644. As explained above, Charles does not constitute prior art to the present application. Therefore, the §103 rejections of these claims are untenable and should be withdrawn. Withdrawal of the §103 rejections is respectfully requested.

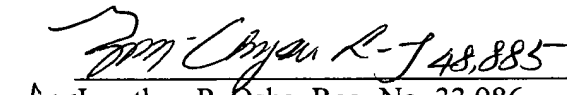
**Double Patenting Rejections**

Claim 16 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,386,302. Claims 16 and 17 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8, and 9 of U.S. Patent No. 6,609,580. Pursuant to 37 C.F.R. §1.321(c), the undersigned encloses herewith a terminal disclaimer with respect to both of the above patents, rendering this rejection moot. Accordingly, withdrawal of the double patenting rejection is respectfully requested.

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number [05516.045003]).

Respectfully submitted,

Date: 10/18/04

  
for Jonathan P. Osha, Reg. No. 33,986  
OSHA & MAY L.L.P.  
One Houston Center, Suite 2800  
1221 McKinney Street  
Houston, TX 77010  
Telephone: (713) 228-8600  
Facsimile: (713) 228-8778

78250\_1.DOC



Application No. (if known): 10/633,796 Attorney Docket No.: 05516/045003

**Certificate of Express Mailing Under 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV535683034US in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on October 18, 2004  
Date

*Ava R. Brown*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Ava R. Brown  
Typed or printed name of person signing Certificate

\_\_\_\_\_  
Registration Number, if applicable

\_\_\_\_\_  
(713) 228-8600  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.